

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Daniel W. Miles, George Hamacher,  
Nancy Tavernier

v.

Civil No. 05-cv-56-JM

W. John Funk, Michael Ramsdell,  
Gallagher, Callahan & Gartrell, P.A.

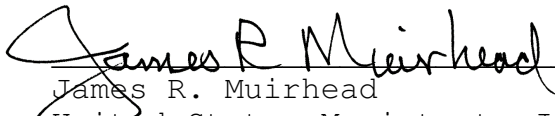
**O R D E R**

Having considered the additional memorandums submitted on the Defendants' motion to compel, the Court has reconsidered its March 10, 2006 Order as it pertains to the Defendants' motion to compel discovery in response to their Interrogatory No. 3 and Request for Production No. C. The Court finds that the Defendants have demonstrated sufficiently that the discovery requested is relevant to the issue of the Plaintiffs' ability to fund litigation and/or to the possible bias of Ms. Clarice Neumann as a witness in this case. The Court further finds that the Plaintiffs have not shown that the discovery requested is protected by the attorney-client privilege. See Chaudry v. Gallerizzo, 174 F.3d 394, 402 (4th Cir. 1999) ("Typically, the attorney-client privilege does not extend to billing records and expense reports."); Gerald B. Lefcourt, P.C. v. United States,

125 F.3d 79, 86 (2d Cir. 1997) (absent special circumstances, a client's identity and fee information are not privileged); Clarke v. Am. Commerce Nat. Bank, 974 F.2d 127, 129 (9th Cir. 1992) (the identity of the client, the amount of the fee, the identification of payment by case file name, and the general purpose of the work performed are usually not protected from disclosure by the attorney-client privilege). Therefore, the Court grants Defendants' motion to compel (document no. 18) as to Defendants' Interrogatory No. 3 and Request for Production No. C. Compliance is due in ten (10) business days. LR 37.1(b).

Although the Court has reconsidered its ruling on the second half of the Defendants' motion to compel, the Court finds that an award of fees or costs is not justified under the circumstances. Therefore, the Court will not make an award of reasonable expenses under Fed. R. Civ. P. 37(a)(4).

**SO ORDERED.**

  
James R. Muirhead  
United States Magistrate Judge

Date: May 31, 2006

cc: Evan M. Fray-Witzer, Esq.  
Russell F. Hilliard, Esq.  
Michael C. McLaughlin, Esq.